

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: January 15, 2004
)	
Dr. Hubert A. Kelley)	DOCKET NO.: 03F-065
Supervisory Social Worker)	
Child and Family Services Agency)	
8790 Old Keene Mill Road)	
Springfield, Virginia 22152)	

ORDER

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Dr. Hubert A. Kelley, Supervisory Social Worker, Child and Family Services Agency, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 7, 2003, OCF ordered Dr. Hubert A. Kelley (hereinafter respondent), to appear at a scheduled hearing on August 18, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 18, 2003, the respondent appeared at the scheduled hearing and testified that upon receipt of OCF's May 30, 2003 non-compliance letter, he contacted OCF concerning the filing of an FDS. Respondent presented a letter addressed to the Director dated August 14, 2003, which stated that he recalled completing the report, but apparently did not submit it. Respondent further advised of the stressful nature of his

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work as a contributing factor to the apparent filing delinquency. Respondent is a Management Supervisory Service employee. Respondent filed the required Financial Disclosure Statement with OCF on August 11, 2003.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is a member of the Management Supervisory Service (MSS).
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent is a first-time FDS required filer.
4. Respondent filed the required Financial Disclosure Statement on August 11, 2003.
5. Respondent provided a credible explanation for the filing delinquency in that he believed he timely filed the required report after contacting OCF for filing information, and that he believed work-related stress may have contributed to the apparent filing delinquency.
6. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$1,750.00 for failing to timely file a Financial Disclosure Statement.

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4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, coupled with his being a first-time filer, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.